VI.—Of Revenue and Expenditure.

Management of Funds.

Money where to be deposited.

[**57.**[1] (*1*) All moneys at the credit of the Board which cannot immediately be applied in the manner and to the purposes specified in this Act shall be deposited in such bank and subject to such conditions as may from time to time be prescribed by Government; provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 66 (*3*) or in such other securities as Government may approve in this behalf.]

How to be disbursed.

(*2*) No disbursement of such moneys or any part thereof shall be made except upon a cheque signed by the chairman and one other trustee.

(*3*) Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees, if it relate to any other department, shall be made by the Board by means of a cheque signed as aforesaid and not in any other way.

(*4*) Payments of sums not exceeding five hundred rupees each may be made on behalf of the Board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousand rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

(*5*) In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the Board appoints for this purpose, in cash, cheques for sums not in excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favour of such officer to cover such payments.

Moneys on what purposes to be expended.

58. The moneys belonging to the Board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely) :—

(*a*) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys, due to the trustees, and to the officers and servants appointed under this Act, or lent to the Board by Government, and the contribution, if any, payable to Government on account of the pension and leave allowances of any officer lent to the Board by Government, and the contributions, if any, duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

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[1] This sub-section was substituted by s. 4 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

(*b*) the cost of repairs and maintenance of the property vested in the Board, nd all charges upon the same and all working expenses ;

[1][(*c*) such sums as Government may from time to time require the Board to contribute on account of expenses in connection with the harbour-police and police employed in guarding the docks, warehouses and other property of the Board and on account of medical services supplied in the port, in lieu of, or in addition to, any expenditure which Government may direct to be made from the funds or hospital port-dues, the control or application of which is, by sections 36 and 50 of the [2]Indian Ports Act, 1875, vested in Government ;]

XII of 1875.

(*d*) the interest and instalments of capital due in respect of any loan that may have been raised by the Board or for which it is liable ;

(*e*) any charges for which the Board may be liable under section 76 or section 77 ;

(*f*) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue ;

(*g*) any other charge which may be specially sanctioned by Government on the application of the Board, or for which the Board may be legally liable.

Annual Estimates.

Chairman to submit an annual estimate of income and expenditure to the Board.

59. (*1*) The Chiarman shall, at a special meeting to be held in the month of January in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

(2) Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Board to revise and sanction the estimate.

60. The Board shall consider the estimate so submitted to them, and shall sanction the same, either unaltered, or subject to such alterations as they shall think fit.

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[1] Cl. (*c*) was substituted by s. 5 of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act 1 of 1895), *infra*.

[2] *See* now the Indian Ports Act, 1908 (15 of 1908), General Acts, Vol. VI.

Estimate to be submitted to Governor in Council.

61. The estimate, as sanctioned by the Board, shall be submitted, through the Political Resident at Aden, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall resubmit the estimate so amended, through the Political Resident at Aden, to the Government.

List of works to accompany estimate.

62. Together with the said estimate, the Board shall submit, through the Political Resident at Aden, to the Government, a list of the works which the Board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed, and the date within which each of them will probably be completed, or, in the case of any work which will not be completed within the year, the progress intended to be made therewith during the said year.

Supplementary estimates may be made when necessary.

63. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Government in the same manner as if it were an original annual estimate.

No expenditure above three thousand rupees to be incurred unless sanctioned in an estimate; if incurred, to be reported to Government.

64. (*1*) Save in cases of pressing emergency, no sum exceeding three thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government.

(*2*) If any sum exceeding three thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the chairman, through the Political Resident at Aden, to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

Accounts to be audited and examined.

65. (*1*) The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined in such manner and by such auditor or auditors as shall, from time to time, be appointed by Government.

Auditors to have power to call for books, etc.

(*2*) For the purposes of such audit and examination the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to

appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

(3) The auditors shall be paid by the Board such remuneration as Government shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward a report upon the accounts for such half-year to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the Bombay Government Gazette. Their remuneration to be fixed by Government. Their report to be published.

Disposal of balances

66. (1) The Board may invest any balance remaining on the thirty-first day of March of each year in public securities, and may from time to time sell the said securities, and either re-invest the proceeds in other such securities, or credit the same to the general funds of the Board. Balances may be invested by the Board in public securities.

(2) But the money so invested by the Board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government. Amounts which may be so invested to be limited by Government.

(3) In this section "public securities" means securities of the Government of India, and debentures or other securities issued by the Board.

VII.—Penalties.

67. (1) Any person who, [1][being a trustee other than the chairman or an *ex-officio* trustee, or being an officer] or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.[2] For being interested in contracts with the Board, XLV of 1860.

(2) Provided that nothing in this section shall apply to any person by reason only of his— Proviso.

(a) having a share in any joint stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted; or

(c) being interested in any loan of money to the Board.

68. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2] Indian Penal Code, who shall accept For obtaining illegal gratification XLV of 1860.

[1] These words were substituted for the words "being a trustee, or any officer" by s. 6 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] General Acts, Vol. I.